

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

COMPLAINT

(for filers who are prisoners without lawyers) **2020 FEB -3 P 4 35**

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

Derrick A. Houston

Jail # 920100671032

Prison # 559719

v.

Case Number:

20-cv-0163

(Full name of defendant(s))

(to be supplied by Clerk of Court)

PTS of America, Prison Transport

of America, US Corrections LLC {517 Hickory Hills Blvd.}
Whites Creek, TN 37189

"PTS." Makala Shoulders & unknown

Male. Griffin & Montes female. ST Clare Health Center & Jhon Does.

A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at
(State)

3030 Curry Lane, Green Bay, WI 54311
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant Griffin & Montes
(Name)

is (if a person or private corporation) a citizen of unknown

and (if a person) resides at unknown

and (if the defendant harmed you while doing the defendant's job)

worked for PTS of America, Prison Transport of America, US Corrections LLC "PTS" White Creek, TN
(Employer's name and address, if known) 37189

B. STATEMENT OF CLAIM

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

On or about 10-30-19, PTS of America, Prison Transport of America, US Corrections LLC "PTS" out of White Creek, Tennessee picked inmate Houston up from the state of Florida, county of Orange. Defendant Makala Shoulders broken MR. Houston phone at Orange County department of corrections institution. Thereafter Ms. Shoulders apologized about the situation and said there will be a report made. MR. Houston and another inmate was hand cuffed and placed into leg restraints; before being placed into the transport van. While waiting in the van a unknown Caucasian male defendant arrived.

On or about 10-31-19. the unknown defendant picked up a unknown inmate that was headed to the state of Georgia somewhere. Defendants knowingly allowed MR Houston to share foods and or drinks with this inmate. Whereas defendants known of the potential circumstances at hand. This unknown inmate was HIV positive. Upon arriving at this unknown inmates drop off, MR Houston was wondering why the immediate separation. MR. Houston was offered a bathroom break while, simultaneously finding out about these HIV facts through unknown inmate testimony.

On or about 11-2-19 MR Houston arrived at drop off location in the state of Tennessee. unknown county. Defendant Shoulders gave verification of the broken phone at this institution. Ms. Shoulders tried to leave monies at this institution for the broken property which was denied due to this facility rules.

On or about 11-3-19 approximately 6:40 PM. MR Houston and another inmate was picked up by two different PTS of America, Prison Transport America, US Corrections LLC "PTS" Officers; 517 Hickory Hills Blvd, White Creek Tennessee. There was one male and one female officer. The male defendant had on a vest, a badge chain around his neck, a gun on his right hip and all black on. The unknown female defendant seemed to be native with tattoos on both arms. The male officer known as Griffin made these statements "if you guys are good to me, I'll be good to you", but "if you act out or disobey my orders I'll make your ride a living hell to remember. Both inmates was hand cuffed and leg restraints were placed.

Approximately 45 minutes later we arrived somewhere in Kentucky. There were a pick up of five inmates, two females and three males. Upon entering this institution the defendants was asked to line the other inmate and MR Houston up against the left wall, so that we can be seen. That there was a incident that happen, some of the inmates off one of their vans was later caught on camera taking items out of the property room. MR Houston recalls some of the five inmates, one female going to Green Bay, Wisconsin, two of the three males, one headed to Minnesota, the second male was headed to Iowa. While these inmates was lined up the defendant Griffin gave his run down. Only this time Griffin made this statement to the inmate that was believed to be going to Iowa, "If you try anything I will not hesitate to use my service weapon". All of the inmates was hand cuffed and leg restraints was placed. There were a total number of seven inmates at this time and all was loaded in the van.

UPON departure the defendants passed out bottles of water to each inmate. MR. Houston recalls there being two inmates on the left side of the van with him at this time. The inmate that was picked up with him, and this inmate called will; that is headed to Minnesota. The next stop and location is unknown but is believed to be a pick up of "three or four," a total number of eleven inmates that would be on the van.

Before our next stop, this inmate known as "will" urinated in his empty water bottle. About ten or fifteen minutes later I had no choice but to do the same thing. Shortly after I use the bathroom in my empty bottle, inmate "will" had to use it again. The third inmate that was on our side of the van gave his empty bottle to this inmate to use it. The three of us tried to get comfortable, and some rest before our next stop.

MR Houston dose not recall how long it was before the the other inmate and himself was awoken, but "will" needed to use the bathroom again. MR. Houston and this other inmate tried waving at the camera and yelling into the voice-box. With no signs that the def. endants heard us, we yelled to the females and they notified the officers. The van was pulled to the right side of the road and stopped. This caused MR. Houston to come off the bench and fall; Due to the fall my right Shackle tighten.

Whereas Griffin got out of the van and opened the back door. These statements was made by the defendant "You guys are offered a bathroom break every four to six hours" and I am not going to stop everytime you need to use it. That's when I blurted out that inhumane, you can't do that. At this time officer Griffin stated he runs the show and told MR Houston to shut his mouth. MR Houston told the defendant that he can not stop him from talking. That's when Griffin told the other inmates, that if MR Houston dose shut his mouth he is going to make it worst on everybody else. The defendant begin to count down from fifteen. That's when I tried explaining that we are given infrequent bathroom break & forced urinate into empty bottles. The defendant continued this unprofessional act while I was explaining these facts, and at the end of MR Griffin count down. The defendant stated that everyone will receive tartard Sauce Sandwiches than slammed the door.

45 minutes or so later we arrived at a unknown stop. When the inmates was being unloaded to go inside this institution, that's when I noticed that my right leg restraint was in fact vary tight. Upon entering this institution, officer Griffin told all of the inmates because of MR Houston mouth everyone will be receiving tartard Sauce Sandwiches. That's when I stated to the defendant, I don't think that would be legal. The defendant stated that he has in fact done it before. I than stated that I don't believe that would cover our Calorie intake value for a meal. Officer Griffin stated that every inmate thinks that they are a fucking lawyer and made a promise to fed us two pices of wonder bread, tartard sauce and a water. At this point I asked the defendants if my right leg restraint could be loosens, due to the tightness and because I had surgery on my ankle. Griffin stated that I will be fine. Also at this institution remember there going to be an attorney from 12/03/2017 Page 6 of 17 Document 111 about this sandwich going to Milwaukee, Wisconsin.

At our next stop is where the incident took place. MR. Houston dose not recall if this stop was a bathroom break or a pick up of one. The defendants got everyone out of the van and we were lined up in the Sally Port. Once out of the van, the defendant Griffin stated to all of the other inmates that he has a solution to the problem at hand and everyone will be fed accordingly; except for MR Big Mouth. At this point MR Houston stated that he careless on the defendant plans, and would appreciate it if he would loosen my right leg restraints; due to the tightness and a pass surgery. I was told I needed to walk now. MR Houston asked the defendant how dose he expect me to walk when I am in pain, plus the things that I am telling you are in my paper work. MR Griffin stated just move your feet and started to count. There was a inmate behind MR Houston that said dude on a power trip" this inmate was believed, headed to Milwaukee, Wisconsin" and I stated I know. Griffin put his hand on the back of my neck, and I stated dont put your fucking hands on me.

Consequently after, I felt a pain in my lower left back. I seen myself falling to the ground face first, unable to catch myself due to the chain around my waste and hand cuffs on. The only obvious thing to do was try turning to the side. MR. Houston Simultaneously Struck his right shoulder and head. Some how his right hand was pinned under his body. I was in excruciating pain and dazed from the impact. Immediately MR Houston asked the defendant why the hell did you just taze me? The defendant Griffin told MR. Houston to get up" Plaintiff stated he was not getting up until he see medical". defendant again said get up, MR Houston stated he will like to get medical treatments, thats when the defendant began to count from three. After the defendant was done counting, MR Houston was O.C Sprayed; thats when I yelled for help.

Officer Griffin used violent physical force against Houston, by intentionally spraying me after being tazed on the ground and I did not present any danger. When I was first tazed on the ground, the defendant Griffin had the other defendant put all the inmates back in the van. After being O.C. sprayed officer Griffin had the defendant "women" take all the inmates into this facility. At this point officer Griffin got louder telling me, get up now, and started to once again shaking the O.C. can. That's when I told the defendant "Are you fucking stupid there a camera right there" watching the whole situation. I don't know what made the defendant stop from spraying me the second time "maybe this statement about the cameras" or these other unknown defendants coming out this unknown institution. This question would have to be answered by the defendant Griffin, but I know there was a camera in the Sally Port; if the defendants did not destroy it.

Mr. Houston does not know if one of these unknown defendants at this facility kicked him in the head, because everything went black. As stated above the camera should show the whole situation take place. When I realized what was going on a unknown female defendant was violently pulling my leg restraints, because I was in excruciating pain and I seen her. Approximately 5'4 white female, brown hair, unknown name. These defendants was laughing at me saying how these two unknown female were handling me. At this point Griffin was telling me to get up and had his tazer out again. I was crying because I was scared for my life and the O.C. spray that's in my eyes. I told Griffin that I can not get up, he stated yes you can. At this point I asked all defendants to see medical staff at this facility. These defendants told me that I am talking just fine and do not look to be in need of medical treatment. I felt sharp pain around my waist, like someone pulling the chain and these two unknown female defendants pulling my arms forcefully.

When these defendants were escorting me to the van I asked if I could be decontaminated or for some form of after-care. That's when these females officers at this unknown facility, said I should have thought about that before hand. I then stated fuck you also bitch. After this statement I was struck in the side and forcefully pushed into the van. Griffin had me by the back of my neck, and that's when I told the defendant that he has to get this shit out of my eyes and face. Immediately after I was tazed. At this point the defendant and I were inside of the van "I believe officer had the back of my neck with his left hand", because I felt the tazer pain in the front right lower stomach. The camera footage should show this whole incident that took place in the van. I ended up face down inside the van and I was tazed five too six more times. The defendant kept telling me to get up; when Griffin knew this request was impossible.

About five minutes or so later two inmate was placed in the side of the van, after I was put into the small cage. One of these inmates is known as will and the other inmate is unknown. This unknown defendant had on a redish shirt and jeans on. I asked the officer if I could use the bathroom and the van door was slammed on my request. This is when I stated that's ok than I'll just piss on the floor. As I began to urinate on the floor, this unknown inmate in the redish shirt yelled "this fuckin dumb mother fucker pissing on the floor".

At this point officer Griffin got these two inmate's out of the van. Once these two were out he told me to get out also. I asked him if he was going to let me see medical that's when he started shaking his mase. I complied with officer Griffin threatening orders. I noticed as I was getting out of the van, there was a water holes. I asked if I can be rised off and was told to sit down on the floor; unstead of sitting I squated. Officer Griffin came behind me and kicked my leg out from under me, while simultaneously pulling my shirt back-wards. This made me sit on the wet floor, and I did not have on any shoes; so my shoes was soaked also. Officer Griffin put some type of cleaning solution inside of the van and use the water holes to rinse these chemicals out.

After the van was cleaned and I was being placed back into the Seg cage. I complained to officer Griffin about the wet clothes and the Seg cage. Nothing was done about these situations. These other two inmate's that was taken out of the van was placed back into the van. While I was in this small space, these chemicals that was on me reactivated; due to these wet circumstances. I yelled to the officers about this situation and the van radio was cut on, and this inmate that was in the redish shirt was laughing at me. I began to kick on the vans wall and yell at these officers drastically about this problem. Nothing was done. At this point I seen a half empty bottle of water on the floor. I tryed to use this to rinse some of these chemicals off me, but was unable due to the retraining on me.

While I tried to rinse these chemicals off, the water actually got poured on the floor. When this took place this inmate defendant in the redish shirt, yelled to the officers that I was using the bathroom again. The van was stoped and officer Griffin got out of the van, he told the two inmates that he could not go back into this institution. After this was said he told this inmate in the red shirt something in a whisper, and than I heard him say he will feed him good for the situation. I asked the officer Montes defendant for the second or third time if she will get me some medical attention. She acknowledged me and asked me what for? I told her that it's hard to breath. She stated that I am talking just fine.

After the female defendant statement, I began to bang on the seg walls again "with my feet". At some time during this, the inmate in the redish shirt told me if he could get his hands on me he would f-me up. Thats when I told this inmate that he is talking like this because we have these chains on, and are not in each-other's face. Thats when this unknown inmate told me that he dont have his chain on around his waste, and that he can get to me. I noticed that indeed that this inmate chain was off. I told this inmate to try and f-me up and see what happens. This unknown inmate told the other inmate known as will to switch spots with him because he was closest to the seg door.

This unknown inmate started grabbing at the top of the seg door violently. The vans camera will show this incident and also if this inmates restraints was put on like mine, this would have been impossible for him to do. Also if this was not set up than why didn't the officers not stop this inmate. This inmate began to spit on me through the top and side of the seg door. At this point I yelled to the officers about the situation at hand, and nothing was done about it. I frantically banged on the vans walls about this Predicament. Consequently the A.C was turned up on high knownly; that I was wet. These circumstance made me use the bathroom on myself and the floor.

Sometime after all the other inmates were feed. All I know is the two inmates in the front of the van with me got feed taco bell "I know for a fact it was over the \$3.50 limit". Shortly after my tartard sauce sandwich was thrown through this top trap, and landed into my piss on the floor.

When we arrived at this unknown institution. Officer Griffin was telling approximately three or four other officers how much of a problem I was, and his version of the incident at the other facility. There were three C.O's and one brown shirt L.T. This brown shirt Lieutenant asked me if I am going to be a problem, when they take me out to clean the van.

MR Houston told this unknown lieutenant that he was never a problem. Then I asked this same officer why are they trying to take me out of the van? This lieutenant answered the question by stating to clean the van out, fix your restraints and offer you a bathroom break. I stated to this officer that I already used it on myself. I thought that I was going to be able to get cleaned up and some type of clothes. The only thing these people did was, reverse my hand cuffs "now they were behind my back" than put me back into the van sea cage. I asked these unknown officer's at this unknown institution if I could see medical staff, and the vans door was closed on me.

As the other inmates were being loaded back into the van, I was not offered to use the bathroom. Now with my hands behind my back every time that I use it, it was on myself. I already had piss and shit on myself. When the van departed from this unknown facility, MR Houston was not put into a seat-belt. These defendants known about the swelling of my right hand and finger. But they still put these hand cuffs on backwards and drove maliciously and recklessly. Due to these conditions MR Houston continually was thrown against the walls for hours. I yelled and begged for the officers, consequently the radio was turned on a high level. I felt like I was some type of contortionist or something, all of these movement made these chemicals substances to heat up and stay active. These circumstances made me have serious respiratory problems. I repeatedly told these defendants that I could not breathe. At some point the breaks was hit hard and I hit the front wall and became injured on the floor, unable to get up for hours. This inmate in the redish shirt was placed in the rear.

Case 2:20-cv-00163-PP Filed 02/03/20 Page 13 of 17 Document 1

11 of 13

On or about 11-4-2019, I finally arrived at SSM Health ST Clare Fenton, 1015 Bowles Avenue, Fenton, MO 63024-2394, # 636-496-2000. Medical record 934010 / CSN 228821317. These independent contractors at this facility did a EKG on MR Houston. These Physicians also asked some question about my pain I told these physicians and or nurse where the areas were at. These Problem areas were my left knee, right ankle, sternum, lower back, abdomen, ribs, left arm, right hand and it being hard to see & breathe.

Whereas the E.K.G was done, these emergency department Physicians did not give me any results and or diagnostic Procedures. Nor did these medical staff treat any of the areas that I told them about. Most of, if not all of the time; these staff members addressed officer Griffin about the situation. The radiologists did a ex-ray on my right hand and did not specifically identify any results. Though my eyes were treated, with a solution.

While I was hand cuffed to the bed. Officer Griffin was talking to a unknown nurse in the hall tell how I used the bathroom on myself, and this person said thats why he smells so bad. After-ward, officer Griffin started talking to one of the security Guard at the hospital. They were talking about what I am locked up for. This unknown Security guy said he is a retired COP "Short guy white hair, 215 or so lbs". Then came along this other Guard slim, order, white hair guy "He said he worked at the same institution were the incident took place". Again all three of them talk about the situation and what I was in for. I told all of the officers it should not matter my past case, when someone trying to get checked out. These people were vary unProfessional in there comments, and judgmental.

While inside one of the hospital rooms, a pregnant nurse entered the room asking questions. After answering these questions this unknown person tried to give me some discharge papers. That's when officer Griffin stepped in and told this person that I am not allowed anything; the defendant took these items. As I was being unhandcuffed from the hospital bed, the defendant told me a story how the cuffs that I had on was his dad's. Right after I was put into different cuffs and placed back into the sea cage.

Sometime after leaving the hospital, another incident took place in a unknown Sally Port. Officer Griffin grabbed this inmate known as Will forward out of the van; by his shirt. Will hit the wall head first. Consequently he was knocked unconscious. I couldn't believe the surreal Pandemonium that just unfolded in front of my eyes after my situation. I started yelling at the defendant for his indignant actions. Officer Griffin then dragged this inmate away by his shirt, so I no longer could see him. Fifteen minutes or so later a ambulance arrived to rush this inmate to the emergency room.

The female defendant Montes took all of the inmates to a unknown institution. A unknown officer let Mr Houston take a shower to decontaminate himself. This officer at this facility started coughing from these chemicals. Approximately one hour later all of the inmates was placed back into the van. This inmate in the red shirt was placed in the same side as Mr Houston and his actions continued. At this unknown stop Mr Houston was placed in the back of the van.

On 11-5-2019 Mr Houston arrived at Brown County Jail. Mr Houston immediately put in a medical request complaining about the pain he was having. Mr Houston was seen by the nursing staff and a report was made on 11-8-2019, on his injuries.

C. JURISDICTION

☐ I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR

☒ I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$ 10.5 million.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

I would request that major defendant(s) roles be held accountable by (3) weeks without pay. Re-training for all major defendants, anger-management classes, and a change to company policy on how many days a driver can drive before showing that they are getting the requirement sleep. For example every (2) days a driver check into a hotel to show some form of proper sleep. Policy limit on tazer usage. Re-training on when is a proper situation to use physical and or violent force. Also I would be holding all defendants accountable in their professional & individual capacity.

E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 29th day of January 2020.

Respectfully Submitted,

Derrick Houston

Signature of Plaintiff

#559719 / jail # 920100671032

Plaintiff's Prisoner ID Number

3030 Curry Lane

Green Bay, Wisconsin 54311
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE



I **DO** request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.



I **DO NOT** request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.